

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: MICHAEL JASON FABRIZIO
 TERRI LEIGH FABRIZIO

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

vs.

MICHAEL JASON FABRIZIO
TERRI LEIGH FABRIZIO

CASE NO: 1-18-00714-HWV

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on September 18, 2018, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney James K. Jones, Esquire, and respectfully represents the following:

1. An Amended Plan was filed on May 14, 2018.
2. A Confirmation hearing was held and an Order was entered on July 18, 2018 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable Plan.

Respectfully submitted,

s/ James K. Jones, Esq.
Id: 39031
Attorney for Trustee
Charles J. DeHart, III
Standing Chapter 13 Trustee
Ste. A, 8125 Adams Drive
Hummelstown, PA 17036
Ph. 717-566-6097
Fax. 717-566-8313
eMail: jjones@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

Ronald Reagan Federal Bldg Bankruptcy Courtroom, 3rd Floor 228 Walnut Street Harrisburg, PA 17101	Date: October 24, 2018 Time: 09:35 AM
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Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: dehartstaff@pamd13trustee.com

Dated: September 18, 2018

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IN MICHAEL JASON
RE: FABRIZIO
 TERRI LEIGH FABRIZIO

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CASE NO: 1-18-00714-HWV

Debtor(s)

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on September 18, 2018, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

DAWN MARIE CUTAIA, ESQUIRE
115 EAST PHILADELPHIA STREET
YORK, PA 17401-

Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

MICHAEL JASON FABRIZIO
TERRI LEIGH FABRIZIO
2650 FRIENDS CIRCLE
YORK, PA 17408

Served by 1ST class mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: September 18, 2018

Vickie Williams
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.